

CHANGES TO APPELLATE RULES RELATED TO ADMINISTRATIVE RULE 9

Appellate Rule 2. Definitions

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N. Case Record, ~~and Case Court Records, and Excluded From~~ Public Access. The terms “Case Record,” “Court Record,” and “Public Access” shall have the definitions provided in ~~mean a record defined by~~ Administrative Rule 9(C)(2). ~~“Case Records Excluded From Public Access” shall mean records identified in Administrative Rule 9(G)(1).~~

Appellate Rule 9. Initiation Of The Appeal

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F. Content of Notice of Appeal. The Notice of Appeal shall include the following:

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- (6) *Public Access Information.* A statement whether ~~all or any portion of the e~~Court ~~Records~~ were ~~sealed or~~ excluded from ~~p~~Public ~~a~~Access ~~by court order.~~

...

- (9) *Certification.* A certification, signed by the attorney or pro se party, certifying the following:

...

- (b) That the attorney or pro se party has reviewed and complied, and will continue to comply, with the requirements of Rule 9(J) and Administrative Rule 9(G)(4), to the extent they apply to the appeal; and

...

J. All Court Records Documents and Information Excluded from Public Access and Confidential Pursuant to Administrative Rule 9(G). In cases where all Court Records Documents and information are excluded from ~~p~~Public ~~a~~Access pursuant to Administrative Rule 9(G)(1), the Clerk shall make the appellate Chronological Case Summary for the case publicly accessible but shall identify the names of parties and affected persons in a manner reasonably calculated to provide anonymity and privacy ~~shall be filed in accordance with Trial Rule 5(G) and Administrative Rule 9(G).~~

Rule 23. Filing

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F. Confidentiality of Court Records on Appeal.

- (1) Court Records are accessible to the public, except as provided in Administrative Rule 9(G).
- (2) If a Court Record was excluded from Public Access in the trial court in accordance with Administrative Rule 9(G), the Court Record shall remain excluded from Public

Access on appeal unless the Court on Appeal determines the conditions in Administrative Rule 9(G)(7) are satisfied.

- (3) Any Court Record excluded from Public Access on appeal must be filed in accordance with Administrative Rule 9(G)(5).

Appellate Rule 28. Preparation Of Transcript In Paper Format By Court Reporter

- A. Paper Transcript.** Except as provided in Rule 30, the court reporter shall prepare a paper Transcript as follows:

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(9) Administrative Rule 9(G).

- (a) Except in cases where all Court Records are excluded from Public Access pursuant to Administrative Rule 9(G)(1), before the Transcript is filed with the trial court clerk or Administrative Agency, the court reporter shall notify all parties who have entered an appearance in the Court on Appeal that the Transcript is complete and ready for an Administrative Rule 9(G) review. (See Form #App.R. 11-3.)
- (b) Within fourteen (14) days from the date the court reporter serves the notification, each party on appeal must file written notice with the Trial Court Clerk identifying:
- (i) transcript page and line number(s) containing the Court Record to be excluded from Public Access; and
 - (ii) the specific Administrative Rule 9(G)(2) or 9(G)(3) grounds upon which that exclusion is based. (See Form #App.R. 11-4.)
- If it becomes necessary for a party to withdraw the Transcript to prepare such written notice, the Transcript must be copied and returned to the court reporter within twenty-four (24) hours.
- (c) Each party's written notice also must be served on the court reporter and the court reporter must comply with the requirements of Administrative Rule 9(G)(5)(b) when the transcript is thereafter filed with the Trial Court Clerk.

Appellate Rule 29. Exhibits

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C. Administrative Rule 9(G). If an exhibit was accompanied by the separate written notice required by Administrative Rule 9(G)(5)(a)(i)(b), the court reporter must comply with the requirements of Administrative Rule 9(G)(5)(b) when the exhibit is thereafter filed with the Trial Court Clerk.

Appellate Rule 53. Procedures For Oral Argument

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H. Appeals Involving Court Records Excluded From Public Access. In any appeal in which ~~case~~Court ~~Records~~ ~~are deemed confidential~~ or excluded from ~~p~~Public ~~a~~Access, the parties and ~~their~~ counsel ~~shall conduct~~ at any oral argument and in any public hearing conducted in the

appeal, shall refer to the case and parties only as identified in the appellate Chronological Case Summary and shall not disclose any matter excluded from Public Access ~~in a manner~~ ~~reasonably calculated to provide anonymity and privacy~~ in accordance with the requirements of Administrative Rule 9(G)~~(4)~~.

Appellate Rule 65. Opinions And Memorandum Decisions

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F. Orders, decisions, and opinions. Orders, decisions, and opinions issued by the Court on Appeal shall be publicly accessible, but each Court on Appeal should endeavor to exclude the names of the parties and affected persons, and any other matters excluded from Public Access in accordance with Administrative Rule 9(G), unless the Court on Appeal determines the conditions in Administrative Rule 9(G)(7) are satisfied.

Form App. R. 11-3

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]
CAUSE NO. _____

NAME, _____)
_____ [Appellant/Petitioner], _____) [Appeal or Petition] from the
_____ ([Plaintiff/Defendant/Claimant/ _____) [_____ Court or Administrative
Respondent below]), _____) Agency]
_____)
v. _____) Trial Court [or Administrative
_____) Agency number] Case No.: _____
NAME, _____)
_____ [Appellee/Respondent], _____) The Honorable _____,
_____ ([Plaintiff/Defendant/Claimant/ _____) Judge.
Respondent below]). _____)

Court Reporter's Administrative Rule 9(G) Notice

Administrative Rule 9(D)(1) requires that all court records must be accessible to the public except as provided in 9(G). In accordance with Administrative Rule 9(G)(5)(a)(i)(c) and Appellate Rule 28(A)(9)(a), you are hereby notified that the transcript on appeal is complete and ready to be filed with the trial court.

Pursuant to Appellate Rule 29(A)(9)(b), if a party believes any portion of the transcript is to be excluded from public access, that party has fourteen (14) days from the date of service of this notification to file written notice with the trial court clerk identifying: (i) the transcript page(s) and line number(s) containing the Court Record to be excluded from public access; and (ii) the specific Administrative Rule 9(G) grounds upon which that exclusion is based. See Appellate Form 11-4.

If it becomes necessary for a party to withdraw the Transcript to prepare such written notice, the Transcript must be copied and returned to the court reporter within twenty-four (24) hours.

Pursuant to Appellate Rule 28(A)(9)(c), this written notice also must be served upon the court reporter. If no notice is received by the court reporter within fourteen days, the transcript on appeal will become accessible to the public.

[Insert Name]
Court Reporter of _____ Court

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served upon the following by [state method of service]:

[insert names of counsel of record on appeal]

[Insert Name]
Court Reporter of _____ Court

Form App. R. 11-4

STATE OF INDIANA

IN THE COURT

COUNTY OF

) _____

)

Plaintiff(s), _____)

)

Case No: _____

vs. _____)

)

)

Defendant(s) _____)

Administrative Rule 9(G)(5) Notice of Exclusion
of Court Record from Public Access
(TRANSCRIPT ON APPEAL)

Pursuant to Administrative Rule 9(G)(5)(a)(i)(c) and Appellate Rule 28(A)(9)(b), [party name], provides this notice that the following Court Record contained in the transcript on appeal should be filed on green paper and remain excluded from public access in accordance with the authority listed below:

Transcript page and line number(s).

Administrative Rule 9(G) grounds upon which exclusion is authorized.

[List here]

[List 9(G) grounds here.]

[NOTE: If 9(G)(2)(a) or 9(G)(2)(b), or 9(G)(3)(b) provides the basis for exclusion, you must also list the specific law, statute, or rule declaring the Court Record confidential.]

Respectfully submitted, _____

[Signature]

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served
upon the following by [state method of service]:

[list names and addresses of counsel of record on appeal and court reporter]

[Signature]